

WOLF POPPER

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April 2, 2024

VIA ECF

Hon. Gregory H. Woods
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

USDC SDNY
DOCUMENT
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MEMORANDUM ENDORSED

**Re: *Schuman v. Visa U.S.A., Inc. et al.*, 1:24-cv-00666-GHW
Letter Motion Requesting Order Granting Stipulation to Amend
Complaint, Extend Defendant's Time to Respond Thereto, and
Adjourn Initial Conference**

Dear Judge Woods:

The parties in the above-referenced action write pursuant to Rule 1(E) of Your Honor's Individual Rules of Practice in Civil Cases and jointly request that the Court so-order the parties' attached Stipulation to Amend Complaint, Extend Defendant's Time to Respond Thereto, and Adjourn Initial Conference set for April 10, 2024.

The Stipulation and this request seek to adjourn the initial conference scheduled for April 10, 2024 to a date after May 31, 2024; and set deadlines for Plaintiff to amend the complaint on or before April 15, 2024, and for all Defendants to respond to the amended complaint (if any) on or before May 31, 2024.

There have been no prior requests for an extension of time in this action. Plaintiff initially filed his Complaint on January 30, 2024 (*see* ECF 1). The response dates for the Defendants were March 15, 2024 for Visa USA, Inc. (ECF 15); April 22, 2024 for Incomm (ECF 11); and April 29, 2024 for Pathward, N.A. (ECF 16).

The parties have conferred and, considering the varying response deadlines and Plaintiff's intention to amend the complaint, made the attached Stipulation so that the case can proceed in an orderly an efficient manner. Fed R. Civ. P. 15(a) provides that a party may amend its pleading with the opposing party's written consent, which Defendants have provided. Furthermore, Fed. R. Civ. P. 6(b) provides that the Court can extend the time for Defendants to respond to the complaint upon a showing of good cause. The parties agree that there is good cause to do so here, in order to allow Plaintiff to prepare his amended complaint and save Defendants the time and expense of responding to the initial pleading, and to streamline the briefing process with coordinated deadlines. Finally, Fed.

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R. Civ. P. 16 contemplates that a pretrial conference should be held for the purpose of, e.g., “establishing early and continuing control” over the case and “discouraging wasteful pretrial activities.” The parties respectfully submit that their efforts to coordinate an efficient course for the pleadings fulfills these purposes and that an initial pretrial conference would be more productive at a later date, after Plaintiff has amended his Complaint and Defendants have responded. If the Court grants the parties’ request to adjourn the conference, Plaintiff’s counsel requests that the conference is not rescheduled to a date between May 1, 2024 and May 9, 2024.

The parties appreciate the Court’s attention to this matter.

Respectfully submitted,

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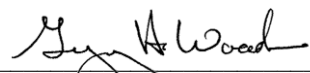
Counsel for Defendant Pathward, N.A.

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Application granted in part. The deadline for Defendants to answer or otherwise respond to the current complaint is extended to May 31, 2024. The Court expects that the parties’ agreed-upon amended complaint will be filed prior on or before April 15, 2024. In the event that such an amended complaint is filed, the deadline for the defendants to answer or otherwise respond to it will be the date that is six weeks following the date of filing of the amended complaint. The parties’ request to adjourn the initial pretrial conference is also granted. The initial pretrial conference scheduled for April 10, 2024 is adjourned to June 7, 2024 at 4:00 p.m. The joint status letter and proposed case management plan described in the Court’s March 20, 2024 order are due no later than May 31, 2024. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 17.

SO ORDERED.

Dated: April 2, 2024
New York, New York


GREGORY H. WOODS
United States District Judge